S.B. Civil Writ Petition No.712/07

05.02.2007

Hon'ble Mr. Justice Mohammad Rafiq

Dr. Mahesh Sharma for petitioner.

Heard learned counsel for the petitioner.

The grievance of the petitioner is that the learned trial court has wrongly declined to send another Commissioner for inspection of the site. According to the learned counsel for the petitioner, after the earlier report of the Commissioner was obtained by the Court on 23.8.2006 there have been certain changes in the ground situation and few more constructions have been raised by the defendants.

The main suit has been filed for

setting aside sale deed by virtue of which the defendant respondent have come in possession of the land in dispute. When already one Commissioner report is available on record, obtaining another report of the Commissioner may not be necessary for adjudication of the dispute because core issue is the validity of the sale deed regardless of the nature and extent of constructions.

I do not therefore find any error in the order passed by learned Court below. The writ petition is accordingly dismissed with no order as to costs.

(Mohammad Rafiq),J.

Rs/-